

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THERESA GARDNER,

Plaintiff,

-against-

THE CITY OF NEW YORK, N.Y.C POLICE OFFICER  
BRIAN POLLOCK, SHIELD #2711, AND "JOHN DOE,"  
EACH SUED INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY,

**STIPULATION OF  
DISMISSAL AND  
DISCONTINUANCE**

08 CV 1135 (JSR)

Defendants.

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**WHEREAS**, plaintiff Theresa Gardner commenced this action by filing a complaint on or about February 4, 2008, alleging that certain of her constitutional rights were violated; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve certain issues raised in this litigation, without further proceedings and without admissions of fault or liability;

**WHEREAS**, the individual identified in the caption of the complaint as N.Y.C. Police Officer Brian Pollock was not assigned to the area in question at the time of the alleged incident;

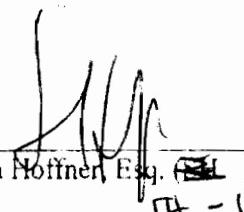
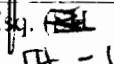
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**IT IS HEREBY STIPULATED AND AGREED**, by and between the attorneys for the respective parties herein, that all claims that were or could have been asserted on behalf of plaintiff Theresa Gardner as against N.Y.C. Police Officer Brian Pollock, in the above entitled proceeding are hereby dismissed and discontinued with prejudice and without attorneys' fees or costs to any party.

Dated: New York, New York  
April 17, 2008

Steven Hoffner, Esq.  
Attorney for Plaintiff  
350 Broadway, Suite 1105  
New York, New York 10013

By:

Steven Hoffner, Esq.   
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MICHAEL A. CARDOZO  
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York  
Attorney for Defendant City of New York  
100 Church Street, Room 3-208  
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(212) 788-1895

By:

  
Jessica T. Cohen (JC 0044)  
Assistant Corporation Counsel

**SO ORDERED:**

  
JED S. RAKOFF, U.S.D.J.

5-12-08